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Hill Learns That Being Tightfisted Is Its Only Way to Collar CIA

By Joanne Omang
Washington Post Staff Writer

The House Intelligence Committee tried hard last week to get a grip on covert U.S. paramilitary operations such as those in Nicaragua and learned that the only way it may be able to curb the CIA is the way Congress curbs the rest of the executive branch: holding on to the purse strings.

But the prospect of any real control is heady stuff.

Rep. Wycie Fowler Jr. (D-Ga.) summoned some of America's most knowledgeable former spies and spy watchers to conduct a rare public debate about intelligence legislation, specifically his proposal to require prior congressional approval of any CIA military or paramilitary operations. Money would be doled out in small chunks as the committee approved of the way things were going.

In the intelligence world, this is revolutionary talk. At present, the intelligence committees are informed "in a timely fashion"—in practice, within 24 hours—of the start of covert operations, and committee members have the right to object. They frequently do.

But the CIA does not have to listen. It has a huge, secret "contingency reserve fund." The intelligence committees clear it in advance and in total every fiscal year as part of the intelligence authorization act. The agency uses that fund to keep operations going, and growing, when the White House wants them to, no matter what intelligence committees think.

"All the time," Fowler said, "these hearings are all about a couple of other parts of the

world" where worrisome things are going on now, he said.

Even witnesses who deplored the Nicaragua operation where CIA-backed rebels are harassing the leftist government said the president must retain the right to launch such projects as part of his constitutional mandate to conduct foreign policy.

The intelligence committee can try to cut off funds for a particular program after the fact, as it has in the Nicaragua case, and should do so when it feels strongly, the witnesses said. But this approach is "just so messy," Fowler complained.

For example, the House agreed, 228 to 195, to stop the Nicaraguan rebels, but the Senate must concur before the money dries up. The Senate Intelligence Committee voted last week to provide \$19 million more

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for the Nicaragua operation. Clandestine work in Angola ended with the Clark Amendment in 1976 only after enormous public outcry.

"Once an operation starts, it's almost impossible to stop. The ground changes," Fowler said. As the program begins to have some impact, it inevitably becomes public. Backers then argue that people have committed their lives and need increased U.S. aid to avoid a retaliatory bloodbath.

"The word and the prestige of the United States is on the line . . . It's a totally different scenario," Fowler said.

In fact, covert paramilitary operations "are the methods by which the United States gets dragged into military conflict," said Morton H. Halperin, director of the Center for Strategic and International Studies.

Five wars in U.S. history have been de-



REP. WYCHIE FOWLER JR.
... process of controlling CIA is "just so messy"

clared, Vietnam and Korea not among them. Various secret studies have found "few, if any, cases where covert paramilitary operations have been effective" in achieving their original goals, said David Aaron, former deputy assistant to the president for national security affairs.

The committee considered the idea that paramilitary projects therefore come under the Congress' constitutional power to declare war.

"If Congress is prepared to make a declaration of war on Nicaragua, I personally would support it," said Ray Cline, former deputy director for intelligence at the CIA.

But since that is "not likely," he added, a "less forthright" approach has been used.

In effect, he said, paramilitary and military operations have replaced war as the 19th-century Prussian military historian and theorist Karl von Clausewitz defined it: "diplomacy by other means."

The committee also considered the line between making foreign policy, in which Congress has an official hand, and its execution, in which it has no formal role. Sending surrogates to make secret war for U.S. causes is clearly making policy, Chairman Edward P. Boland (D-Mass.) said, "but the only time we get in on that policy is in providing the tools and financing to implement it."

Sometimes policy forged publicly between Congress and the White House is directly opposite to the aim of covert action, Rep. Norman Y. Mineta (D-Calif.) said, and "it makes me feel like the proverbial mushroom," being kept in the dark and fed horse manure.

Halperin recalled that under Lyndon B. Johnson he helped write official declarations that proof of U.S. willingness to live in peace with China during its cultural revolution chaos was that the United States was doing nothing to foment it. He then learned that the CIA had a massive covert program of internal disruption in China.

Further, he said, the program required that China be painted as expansionist and liable to invade Vietnam, even as the CIA's own analysts, as ignorant as any outsiders about the covert program, were reporting that China was inward-looking and sought only domestic stability.

Similarly, Aaron said, the problem in Nicaragua is "covert [U.S.] policy, not covert action."

But former CIA director William J. Colby said that is inevitable. *Realpolitik* often demands a friendly facade towards a country, he said, while "underneath we are aware that we must do something to change the course of that government."

After three days of such testimony, Fowler's proposal appeared moribund. Most of the Democrats seemed convinced that foreign policy requires what one member called "wiggle room," presidential authority to learn secrets, spend secret money and take secret action to advance U.S. goals without prior congressional clearance.

But everyone also agreed that Congress has a clear right to restrict the CIA's allowance. It could still require that the agency justify its spending plans before it gets big chunks of money.

One of the three bills in Fowler's proposal includes a limit of \$2 million in appropriations from the CIA's contingency reserve fund without approval from the intelligence committees.

Fowler is confident that the measure's wording exempts it from the Supreme Court's ban on after-the-fact legislative veto provisions. Most witnesses endorsed the concept of attaching strings at the time the fund is appropriated, although they said that this could be done without further legislation.

The possibility remains that, messy as it is, the current process works just fine for Congress in providing what the intelligence world calls "deniability" when foreign efforts go awry.

Real authority over covert action could make it even harder for Congress to reverse gears on its own policy. "Many in Congress don't want it to have that authority," Rep. Bob Stump (R-Ariz.) said.

House Weighs Political Impact of Watt Statement

Congressman Presses Curbs

U.S. Covert Actions Said Not Unusual

By Joanne Omung
Washington Post Staff Writer

Covert U.S. military or paramilitary operations that seriously worry some members of Congress are taking place "in a couple of other parts of the world" besides Central America, House Intelligence subcommittee Chairman Wyche Fowler Jr. (D-Ga.) said yesterday.

Fowler, who did not specify the location or mission of the covert operations, said American intelligence agencies are going ahead with them despite objections from some congressmen that they could be counterproductive for the United States.

As Fowler was disclosing this at a

House Intelligence Committee hearing, the Senate Intelligence Committee voted 13 to 2 to provide \$19 million in fiscal 1984 to continue covert U.S. support for the guerrilla forces fighting the leftist-Sandinista government in Nicaragua, according to a committee source.

The Senate committee vote, in which most Democrats voted with the Republican majority, endorses the Reagan administration's new rationale for the covert operation in Central America and sets the stage for legislative conflict with the House, which has voted to stop it.

In an open hearing of the House Intelligence Committee, Fowler said

that such covert military and paramilitary actions tend to start "with 10 men and \$1,000" and wind up like the operation against the Sandinistas in Nicaragua, with thousands of fighters supported by millions of dollars, U.S. prestige on the line and a major debate under way.

"We're going to have this same problem here in a couple of other parts of the world in the next few weeks," Fowler said. "They [the intelligence agencies] want to do some things that, in the judgment of some of us, will have the opposite effect to what we want to accomplish. But they're going to go ahead."

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Congress now can do nothing to stop such programs in advance but can only try to cut funding later when "it's messy," Fowler said.

"We are now undertaking policy initiatives that are not by any means emergencies, but they [in the intelligence agencies] say they're going to do them," he continued. "Some of us [on the committee] have been very disappointed in the responses we've had" to questions about the potential impact of failure, disclosure or escalation of fighting, "but they say they're going to go ahead anyway."

Fowler spoke at the end of three days of hearings on legislation he has proposed to require that paramilitary or military covert operations be approved beforehand by the House and Senate intelligence committees.

House Intelligence Committee Chairman Edward P. Boland (D-Mass.) said later in

an interview that "more questions have to be answered" about the program or programs that Fowler was referring to.

"It all has to be fleshed out a little bit ...," he said. "I'm not sure it's that serious at the present moment."

Nearly all the witnesses called by the committee testified in opposition to Fowler's proposal for legislative curbs, arguing that the president has complete authority to launch covert action under his constitutional mandate to conduct foreign policy. The role of Congress, most witnesses said, must be to advise and raise questions and to cut off funding for programs it opposes.

The House voted 228 to 195 in July to cut off funds for the covert operation in Nicaragua, in which guerrilla forces fighting the Sandinista government are receiving U.S. financing, weapons and advice.

In its action yesterday, however, the Senate Intelligence Committee voted to contin-

ue the funding for an estimated six months into 1984, with the understanding that the Reagan administration will have to justify the covert aid again at that time, committee sources said.

The administration asked only for six months' funding, "because it was clear that the committee was reluctant to give a blank check for the year," one source explained.

The vote included most committee Democrats, however, because "they are willing to try" a new approach that was offered in private sessions this week by Secretary of State George P. Shultz and CIA Director William J. Casey, the source said.

The new approach abandons the previous administration explanation that the covert aid was being used only to halt the flow of arms from the Nicaraguan government to leftist rebels in El Salvador.

Now, Shultz and Casey reportedly told the Intelligence Committee, the adminis-

tration "finding" is that the covert operation is needed to harass the Nicaraguans into abandoning their promotion of "revolution without frontiers" throughout the hemisphere.

The Senate committee was generally receptive to this new goal, regarding it as "more clearly spelled out by the administration than ever before," the source continued. The House Intelligence Committee, however, received the same briefing and "was not at all convinced," a source there said.

The Senate is likely to take up the bill funding all 1984 intelligence activity within the next two weeks. Its expected passage would pave the way for a conference committee fight on Nicaragua, since the House Intelligence Committee version of the measure would eliminate all Nicaragua program funds. The committee bill is not expected to reach the House floor until next month.